

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, MARCH 4, 2015

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Hill and Senators Buckner-Webb, Lakey, Lodge, McKenzie, Siddoway, Stennett, and Winder, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Chaplain Brent Adamson.

The Pledge of Allegiance was led by Christopher Miller, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 3, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 4, 2015

The JUDICIARY AND RULES Committee reports that [S 1116](#), [S 1117](#), [S 1118](#), [S 1119](#), [S 1120](#), and [S 1121](#) have been correctly printed.

LODGE, Chairman

[S 1116](#), [S 1117](#), [S 1118](#), and [S 1119](#) were referred to the Finance Committee.

[S 1120](#) was referred to the Transportation Committee.

[S 1121](#) was referred to the Health and Welfare Committee.

March 3, 2015

The AGRICULTURAL AFFAIRS Committee reports out [H 72](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICE, Chairman

There being no objection, [H 72](#) was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2015

The FINANCE Committee reports out [S 1114](#) and [S 1115](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1114](#) and [S 1115](#) were filed for second reading.

March 3, 2015

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1075](#) and [S 1077](#) with the recommendation that they do pass.

TIPPETS, Chairman

[S 1075](#) and [S 1077](#) were filed for second reading.

March 3, 2015

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial reappointment listed below and the Committee recommends that said reappointment be confirmed by the Senate:

Joy Fisher to the Public Employee Retirement System of Idaho Board, term to expire July 1, 2019.

TIPPETS, Chairman

The Gubernatorial reappointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 3, 2015

The TRANSPORTATION Committee reports out [SCR 102](#) with the recommendation that it do pass.

BRACKETT, Chairman

[SCR 102](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 3, 2015

The TRANSPORTATION Committee reports out [S 1108](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRACKETT, Chairman

There being no objection, [S 1108](#) was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2015

The HEALTH AND WELFARE Committee reports out [SCR 111](#) with the recommendation that it do pass.

HEIDER, Chairman

[SCR 111](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 3, 2015

The EDUCATION Committee reports out [H 122](#) with the recommendation that it do pass.

MORTIMER, Chairman

[H 122](#) was filed for second reading.

March 4, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 133](#) and [S 1107](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[H 133](#) and [S 1107](#) were filed for second reading.

March 4, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Elliot Werk to the State Tax Commission, term to expire March 8, 2015.

Elliot Werk to the State Tax Commission, term to expire March 8, 2021.

SIDDOWAY, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 3, 2015

Dear Mr. President:

I transmit herewith [H 169](#), [H 132](#), [H 147](#), [H 142](#), [H 73](#), [H 189](#), [H 177](#), [H 158](#), [H 159](#), [H 162](#), [H 161](#), [H 166](#), [H 194](#), [H 167](#), [H 149](#), [H 150](#), and [H 100](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 169](#), [H 132](#), [H 147](#), [H 142](#), [H 73](#), [H 189](#), [H 177](#), [H 158](#), [H 159](#), [H 162](#), [H 161](#), [H 166](#), [H 194](#), [H 167](#), [H 149](#), [H 150](#), and [H 100](#) were filed for first reading.

March 3, 2015

Dear Mr. President:

I transmit herewith Enrolled [HJM 2](#) and [HCR 4](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJM 2](#) and [HCR 4](#) and ordered them returned to the House.

March 3, 2015

Dear Mr. President:

I return herewith Enrolled [SCR 101](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 101](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1122 BY FINANCE COMMITTEE AN ACT

RELATING TO STATE AGENCY RECEIPT OF FEDERAL FUNDS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 67-1917, IDAHO CODE, TO REVISE REPORTING REQUIREMENTS BY STATE AGENCIES THAT RECEIVE FEDERAL FUNDS AND TO DEFINE "FEDERAL FUNDS"; AMENDING SECTION 67-3502, IDAHO CODE, TO ESTABLISH THAT BUDGET REQUESTS PROVIDE A REPORT THAT DISCLOSES ANY KNOWN FUTURE REDUCTIONS OR ELIMINATIONS OF FEDERAL FUNDS AND AN AGENCY'S PLAN FOR OPERATING IF CERTAIN CIRCUMSTANCES OCCUR AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-3506, IDAHO CODE, TO PROVIDE THAT THE BUDGET DOCUMENT SHALL CONSIST OF FOUR PARTS; AMENDING SECTION 67-3507, IDAHO CODE, TO PROVIDE THAT PART IV OF THE BUDGET DOCUMENT SHALL CONSIST OF FEDERAL FUNDING REPORTS AND CERTAIN DISCLOSURES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-3513, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE COMMITTEE CONSIDERATION OF A REPORT REGARDING FEDERAL FUNDS.

[S 1122](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 169](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 132](#) and [H 147](#), by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

[H 142](#), by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 73](#), by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 189](#), [H 177](#), and [H 150](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 158](#), [H 159](#), and [H 162](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 161](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 166](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 194](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 167](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 149](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 100, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Lakey and Buckner-Webb were recorded present at this order of business.

S 1110, by Finance Committee, was read the second time at length and filed for third reading.

H 48 and **H 49**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

S 1072, by Education Committee, was read the second time at length and filed for third reading.

H 82, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

S 1095, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

President Pro Tempore Hill and Senators Lodge, McKenzie, Stennett, Winder, and Siddoway were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out **H 29**, **S 1040**, **S 1080**, **S 1059**, **S 1071**, **S 1056**, and **S 1070**, without recommendation, amended as follows:

SENATE AMENDMENT TO H 29

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 32, delete "2013" and insert: "20135"; in line 38, delete "and"; also in line 38, delete "a one (1) or" and insert: "a"; delete lines 39 and 40, and insert: "relationship described in section 267 of the Internal Revenue Code, as defined in section 63-3004, Idaho Code."; and on page 2, delete lines 1 through 5.

SENATE AMENDMENT TO S 1040

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 23, delete "a remitter" and insert: "the final remittitur"; also in line 23, delete ", unless the"; and delete line 24, and insert: "from which no further proceedings except issuance of a death warrant are ordered."

AMENDMENT TO THE BILL

On page 3, following line 7, insert:

"SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and shall apply to any cases where an appellant's brief in the unified appeal has not been filed with the Idaho Supreme Court."

CORRECTION TO TITLE

On page 1, in line 4, following "IMPOSED" insert: "; AND DECLARING AN EMERGENCY AND PROVIDING APPLICATION".

SENATE AMENDMENT TO S 1080

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 47, delete "and". On page 3, in line 4, delete "." and insert: "; and"; following line 4, insert:

"(5) Any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine under chapter 18, title 54, Idaho Code, provided that he does not represent himself as a licensed genetic counselor."; in line 7, delete "engage in the practice of, or"; and also in line 7, following "as" delete ",".

SENATE AMENDMENT TO S 1059

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 19 through 28, and insert: "TIES. Notwithstanding any provision of title 43, Idaho Code, to the contrary, an irrigation district may determine that it is necessary to impose a special assessment to pay for physical structures or other work necessary to protect its facilities from harm caused by irrigation runoff or drainage from individual lands within the district that are on the district's assessment book prepared under section 43-701, Idaho Code. The district may issue a special assessment on such lands to perform such protective work only if the district has adopted a bylaw or resolution authorizing a special assessment for protection of district facilities from irrigation runoff or drainage from such individual lands, after notice to the landowner. When an assessment for such protective work has been authorized, the district shall assess such individual lands that are the source of irrigation runoff or drainage, the cost of".

CORRECTION TO TITLE

On page 1, in line 6, delete "A CONDITION" and insert: "CONDITIONS"; and in line 8, delete "RUNOFF" and insert: "IRRIGATION RUNOFF".

SENATE AMENDMENT TO S 1071

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 10, delete "SECONDARY SCHOOL GRADUATION RE-" and insert: "CIVICS TEST"; in line 11, delete "QUIREMENT"; delete lines 35 through 39; and in line 40, delete "from a secondary school" and insert:

"(7) Starting with the 2016-2017 school year, all secondary pupils must show they have met the state civics and government standards for such instruction through the successful completion of the civics test or alternate path established by the local school district or charter school that shows the student has met the standards. Assessment of standards shall be included as part of the course at the secondary level."

CORRECTION TO TITLE

On page 1, delete lines 3 through 5, and insert: "TO PROVIDE THAT SECONDARY PUPILS MUST SUCCESSFULLY COMPLETE A CIVICS TEST TO SHOW THAT THE STUDENT HAS MET CERTAIN STANDARDS, TO PROVIDE FOR DOCUMENTATION, TO ALLOW SCHOOL DISTRICTS TO ADMINISTER THE CIVICS TEST, TO ALLOW PUPILS TO RETAKE THE CIVICS TEST AND TO DEFINE A TERM."

SENATE AMENDMENT TO S 1056**AMENDMENT TO SECTION 1**

On page 1 of the printed bill, in line 19, following "by a" insert: "written"; in line 20, following "the" insert: "written"; in line 22, following "by" insert: "written"; in line 25, following "the" insert: "written"; in line 26, delete "Said" and insert: "The"; and in line 28, following "A" insert: "written".

SENATE AMENDMENT TO S 1070**AMENDMENT TO THE BILL**

On page 1 of the printed bill, delete lines 36 through 38.

CORRECTION TO TITLE

On page 1, in line 4, delete "; AND DECLARING AN EMERGENCY".

The Committee also has [S 1033](#), [S 1041](#), and [S 1053](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

[S 1040](#), as amended, [S 1080](#), as amended, [S 1059](#), as amended, [S 1071](#), as amended, [S 1056](#), as amended, and [S 1070](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 29](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Stennett, granted by unanimous consent, [SCR 115](#) was referred to the State Affairs Committee.

The President announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Wendy Lively was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Mortimer, seconded by Senator Burgoyne, the Gubernatorial reappointment of Wendy Lively as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Janet Gallimore was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ward-Engelking, seconded by Senator Lee, the Gubernatorial reappointment of Janet Gallimore as the State Historic Preservation Officer was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Kristine Sasser was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burgoyne, seconded by Senator Winder, the Gubernatorial appointment of Kristine Sasser as a member of the Public Utilities Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Jim V. Giuffre was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Martin, seconded by Senator Lacey, the Gubernatorial reappointment of Jim V. Giuffre as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Sara Thomas was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Burgoyne, the Gubernatorial appointment of Sara Thomas as a member of the State Public Defense Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1030](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippets, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1030](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 4, 2015

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 29](#), [S 1040](#), [S 1080](#), [S 1059](#), [S 1071](#), [S 1056](#), and [S 1070](#) have been correctly printed.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 4, 2015

The JUDICIARY AND RULES Committee reports that [S 1040](#), as amended, [S 1080](#), as amended, [S 1059](#), as amended, [S 1071](#), as amended, [S 1056](#), as amended, and [S 1070](#), as amended, have been correctly engrossed.

LODGE, Chairman

[S 1040](#), as amended, [S 1080](#), as amended, [S 1059](#), as amended, [S 1071](#), as amended, [S 1056](#), as amended, and [S 1070](#), as amended, were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 29](#), as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

[S 1040](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1080](#), as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

[S 1059](#), as amended, by Resources and Environment Committee, was read the first time at length and filed for second reading.

[S 1071](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

[S 1056](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1070](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Idaho Day Service.

The Idaho Day Service was presented to the members of the Senate with Chairman Burgoyne providing opening remarks. The prayer was offered by Senator Den Hartog.

"Idaho's In Me" was performed by Paul Pugmire, accompanied by the Horizon Elementary School Fourth Grade Choir. "Here We Have Idaho" was performed by the Horizon Elementary School Fourth Grade Choir.

Closing remarks were provided by Senator Lakey. He extended gratitude to all who helped with the program and the Idaho Day Service was dissolved.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 10 a.m., Thursday, March 5, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary